

REMARKS/ARGUMENTS

**Claims Status**

Claims 1-17 are pending. Claims 1-5 are withdrawn pursuant to a previous Restriction Requirement. Claims 6-17 are currently amended. Claim 6 is amended (i) to define the wax as a “microcrystalline wax” (see specification: page 5, line 29); (ii) to define the polymer as “polyisoprene rubber or natural rubber” (see specification: page 8, line 20); and (iii) to recite the respective amounts of wax and polymer present in the wax/polymer composition (see original claim 7). Dependent claims 7-17 are amended for antecedent basis purposes in light of the amendments to independent claim 6. No new matter is believed to have been entered.

**§112, 1<sup>st</sup> paragraph, Rejection**

Claims 6-17 are rejected for not being enabled for the generic component “polymer.” However, the Office has stated that the specification provides enablement for “polyisoprene rubber.” Applicants submit that the specification also provides enablement for “natural rubber” (see e.g., page 8, line 20, which recites “Polyisoprene and natural rubber are especially preferred.”). As independent claim 6 has been amended to limit the generic “polymer” to “polyisoprene rubber or natural rubber,” Applicants submit that this rejection has been overcome. As such, Applicants request withdrawal of this rejection.

**§102(b) Rejection**

Claim 6 is rejected as anticipated by Manson (US 2,413,239). Applicants respectfully traverse this rejection.

It is noted that the claimed invention as recited in amended claim 6 includes “microcrystalline wax” as the wax component. In contrast, Manson discloses that the waxes

used in his invention are “paraffins, candelilla wax, beeswax and carnauba wax” wherein “[p]araffin waxes are preferred” (see col. 2, lines 48-51). It is further noted that microcrystalline wax and paraffin wax are not the same wax (see e.g., page 5, line 23, to page 6, line 1, for a description of the different types of waxes).

Accordingly, Manson does not disclose a wax composition comprising a *microcrystalline wax*, a polymer (i.e., polyisoprene rubber or natural rubber) and a filler, and as such does not disclose/anticipate a process for producing the same.

In light of the foregoing, Applicants request withdrawal of the anticipation rejection over Manson.

### **§103(a) Rejection**

Claims 6-17 are rejected as obvious in view of Manson or Tobias (US 4,207,221) alone, or in combination with Trotoir (US 5,053,444) or Young (US 2,595,911). Applicants respectfully traverse these rejections.

As discussed above, Manson does not disclose a wax composition comprising a microcrystalline wax. Applicants submit that the same can be said for Tobias, Trotoir and Young. Accordingly, Applicants submit that none of the cited references, alone or in combination, disclose the claimed process of producing a wax composition comprising a *microcrystalline wax*, a polymer (i.e., polyisoprene rubber or natural rubber) and a filler as recited in any of claims 6-17.

Furthermore, Applicants note that each of the cited references are silent with respect to the particular processing parameters as recited in claims 8-17. Despite such silence, the Office asserts that the “mixing particulars as claimed in 8-17 are seen as obvious design choices when forming a mixture.” In response to the Office’s generalization that mixing parameters are obvious design choices, Applicants note that the specification of the present

invention provides some evidence of criticality of those choices as relates to uniform dispersion of the polymer within the wax and maintaining a non-increased melt flow rate (see e.g., Example 3-1 as compared to Comparative Examples 3-1 and 3-2). Accordingly, Applicants submit that none of the cited references, alone or in combination, disclose the claimed process as recited in any of claims 8-17.

In addition and with particular attention to dependent claims 9, 10, 14 and 15, Applicants note that Young discloses a wax/polymer processing technique wherein a relatively small portion of wax, in a softened state, is first kneaded into a relatively major portion of polymer, followed by a subsequent addition of the remaining wax (see col. 4, lines 42-58). Accordingly, Young discloses a batchwise process of producing a wax/polymer composition. However, Young is silent with respect to incremental addition of the wax component *within each batch step*, and therefore does not disclose or suggest Applicants' claims 9 and 14. Furthermore, Young is silent with respect to the quantified amounts of the incremental addition of the wax component within each batch step, and therefore does not disclose or suggest Applicants' claims 10 and 15. In other words, Young discloses batchwise production of the wax/polymer composition whereas the claimed invention recites batchwise *and incremental* production of the wax/polymer composition. Accordingly, Applicants submit that the cited references, alone or in combination, do not establish a *prima facie* case of obviousness of the claimed invention wherein the claimed invention recites batchwise and incremental production of the wax/polymer composition.

In light of the foregoing, Applicants request withdrawal of the obviousness rejection as put forth in the outstanding Office Action.

**Conclusion**

Accordingly, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

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